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Deputy Miguel Ruiz

Deputy Skylar Bryant

Deputy Jennifer Garcia

Deputy Matthew Fitzpatrick

Lieutenant Christopher Lio

Witness [redacted]

EXHIBITS

A **Los Angeles County Sheriff's Homicide Case Book under file number 016-03992-2171-013**

B **One (1) Compact Disc containing the 9-1-1 call made by Suspect Medina**

C **Los Angeles County District Attorney's Office, Justice System Integrity Division, Letter of Opinion, Dated April 10, 2018.**

D **One (1) Flash drive Containing Radio Traffic, Photographs of Crime Scene and Suspect Medina, Photographs of Property Damage, Holmes Liquor Surveillance Video, and Still Photos.**

E **Copy of Certified Letter Receipt Mailed to Witness [redacted]**

MISCELLANEOUS DOCUMENTS

Incident History Report for Century Station, Tag #40

AM and PM Shift In-Service for Century Station

Administrative Rights/Force Shooting Investigation Form for Sworn Personnel.

Video Admonishment Forms for Sworn Personnel



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY • District Attorney
JOHN K. SPILLANE • Chief Deputy District Attorney
JOSEPH P. ESPOSITO • Assistant District Attorney

SCOTT K. GOODWIN • Director

April 10, 2018



Captain Christopher Bergner
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

Re: Officer Involved Shooting of Christian Medina
J.S.I.D. File #16-0123
L.A.S.D. File #016-03992-2171-013

Dear Captain Bergner:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the March 16, 2016, fatal shooting of Christian Medina. Our detailed analysis of this incident is contained in the attached memorandum.

Very truly yours,

JACKIE LACEY
District Attorney

SHANNON S. PRESBY
Head Deputy District Attorney
Justice System Integrity Division

c: Deputy [redacted] # [redacted]
Deputy [redacted] # [redacted]

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MEMORANDUM

TO: CAPTAIN CHRISTOPHER BERGNER
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: Officer Involved Shooting of Christian Medina
J.S.I.D. File #16-0123
L.A.S.D. File #016-03992-2171-013

DATE: April 10, 2018

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the March 16, 2016, fatal shooting of Christian Medina by Los Angeles County Sheriff's Department (LASD) Deputies [redacted] and [redacted] It is the conclusion of this office that Deputies [redacted] and [redacted] acted reasonably and lawfully in self-defense and in defense of others when they used deadly force against Christian Medina.

The District Attorney's Command Center was notified of the shooting on March 16, 2016, at approximately 6:05 a.m. The District Attorney Response Team responded and was given a walk-through of the scene.

The following analysis is based on investigative reports and witness statements taken during the investigation by the LASD Homicide Bureau, and submitted to this office by Detective Gus Carrillo. The reports also include photographs, a video recording, and radio communications recordings.[1] No compelled statements were considered in this analysis.

FACTUAL ANALYSIS

On March 16, 2016, at approximately 4:25 a.m., Christian Medina called 9-1-1 from a public payphone and reported that an armed robbery was in progress at the intersection of Gage Avenue and Holmes Avenue.[2] Medina stated the robber was wearing a black "hoodie" and shorts, and was armed with a black handgun.[3] Medina stated he was around the corner from where the robbery was

[1] Neither officer was wearing body worn video, nor was the officers' patrol vehicle equipped with digital in-car video (DICV).
[2] The 9-1-1- call recording is four minutes and 59 seconds long. Medina's 9-1-1 call was traced to a public payphone located at the intersection of 64th Street and Holmes Avenue, where Medina subsequently encountered [redacted] and [redacted] who were responding to the call.
[3] Unbeknownst to the 9-1-1 dispatcher, Medina described himself as the armed robber. Medina was, in fact, wearing a black hoodie and long shorts, but was *not* armed with a handgun. Medina provided no other identifying suspect information, such as the suspect's race, weight, or height.

taking place, and that he could plainly see the gun from his location.[4] When asked for his name and phone number, Medina stated his name was Christian, but stated he did not have a phone number. Near the end of the call, the dispatch operator inquired if Medina could still see the gun, and Medina responded that he could still see it, but the robber now had the gun in his pocket. Lastly, when the dispatch operator inquired whether the robbery was taking place at the "Vaquero place," Medina responded that it was.[5]

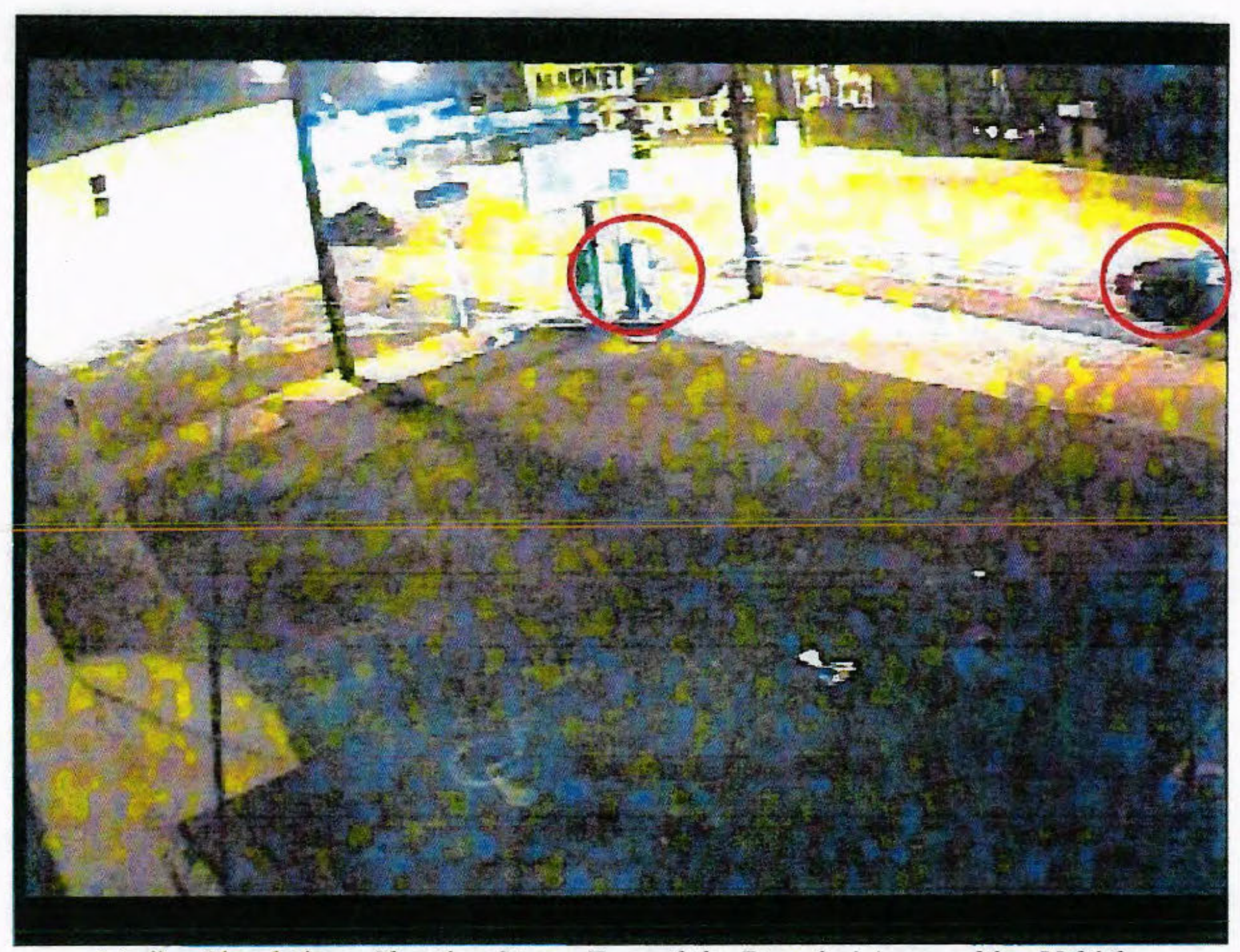


Medina Placing 9-1-1 Call at Phone Booth

Deputies [redacted] and [redacted] were nearby in their patrol vehicle, at the intersection of Santa Fe Avenue and Florence Avenue, when the call came out. [redacted] was driving the patrol vehicle, and [redacted] was in the passenger seat, as they traveled west on Florence Boulevard and turned north on Holmes Avenue, in search of the suspect.

While traveling on Holmes Avenue, the deputies saw a man, subsequently identified as Medina, matching the description of the robbery suspect, standing on the southwest corner of 64th Street and Holmes Avenue, directly in front of a payphone. Medina quickly stepped away from the phone and turned to his left, facing the deputies in their patrol vehicle. Medina then took a "shooting stance," as he extended both arms out simulating pointing a handgun at the deputies. [redacted] and [redacted] believed Medina was aiming a firearm at them, and in fear for their lives, they fired their duty weapons at Medina. [redacted] was still seated in the driver's seat of the patrol vehicle, as he fired one round at Medina through the front windshield of the patrol vehicle.

[4] Per Carrillo, an investigative review of dispatch records revealed there were no other 9-1-1 calls received regarding this alleged robbery.
[5] The dispatch operator was apparently referring to the "[redacted]" located nearby at [redacted]



Medina Simulating a Shooting Stance Toward the Deputies' Approaching Vehicle



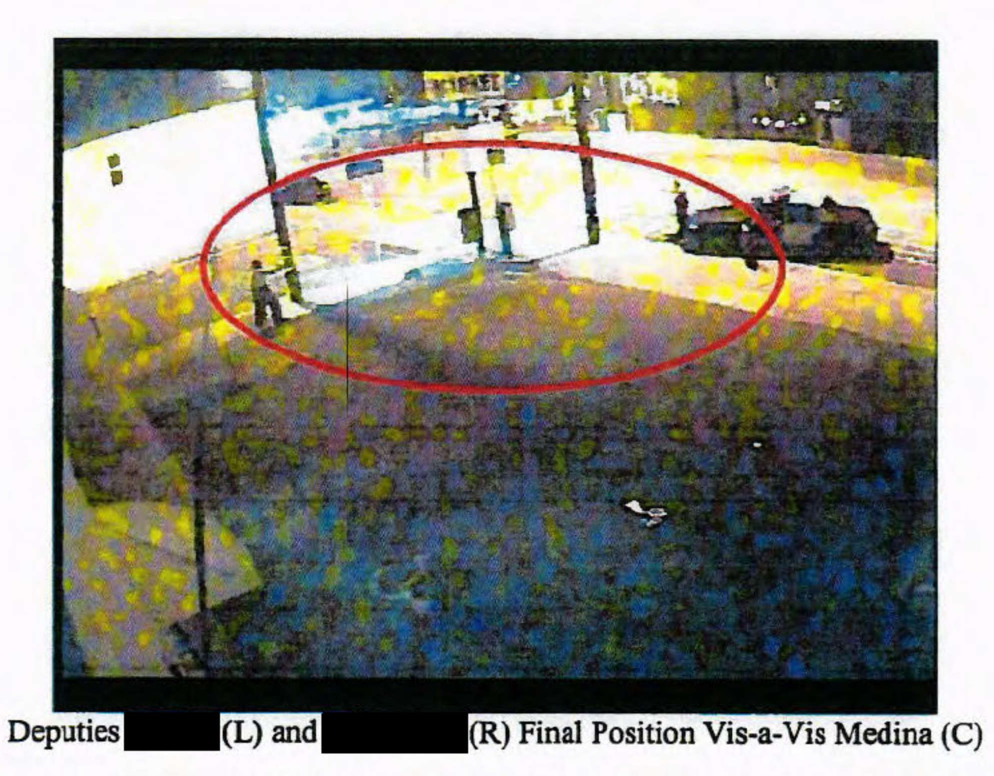
Close-up of Medina's Hands Extended Toward the Deputies' Approaching Patrol Vehicle

[redacted] and [redacted] quickly exited their patrol vehicle, and fired, in rapid succession, upon Medina who fell onto the ground on his back, and to the left of a utility pole which was next to the phone booth. [redacted] fired a total of 13 rounds, and [redacted] fired a total of 11 rounds at Medina.





Deputies [redacted] and [redacted] Firing Upon Medina



Deputies [redacted] (L) and [redacted] (R) Final Position Vis-a-Vis Medina (C)

Paramedics were called, responded, and pronounced Medina dead at 4:45 a.m. During a subsequent inspection of the scene, only a pack of cigarettes was located, close to Medina's body. No weapon was recovered from the scene.

Medina had [redacted] A prior Incident Report from December 2013, indicates Medina was admitted for a Welfare and Institutions section 5150 mental health evaluation following a disagreement with his mother and

a forcible entry into her home. Investigators obtained Medina's LASD Jail Mental Health treatment records as part of this investigation. The mental health records indicate Medina had a suicide related mental health history, and had been prescribed medication for psychiatric symptoms while in jail. An entry dated January 9, 2014, indicates Medina stated he wanted to drown himself in the toilet bowl. Another entry from March 2014, indicates Medina had a history of "anxiety/panic attacks/unusual/bizarre behavior."

Statement of Deputy [redacted]

On March 16, 2016, at approximately 4:25 a.m., [redacted] and his partner, [redacted] were in their patrol vehicle, at the intersection of Santa Fe and Florence Avenues, when a call of a robbery in progress was broadcast over the radio. The call indicated the robbery was occurring at the corner of Holmes and Gage Avenues and the suspect was wearing a "hoodie," shorts, and was armed with a black firearm. [redacted] drove westbound Florence Avenue from Santa Fe Avenue, then north on Holmes Avenue, in the direction of the El Vaquero restaurant, located at the northwest corner of Holmes and Gage Avenues, where Brown believed the robbery was occurring.

Just south of the El Vaquero restaurant, [redacted] saw Medina, who matched the description of the robbery suspect, standing on the southwest corner of 64th Street and Holmes Avenue, directly in front of a payphone. As [redacted] drove northwest towards Medina, he saw Medina turn towards the patrol vehicle. Medina then turned away from them, and took one or two steps away from the payphone, before turning back towards the patrol vehicle. Medina planted his feet, and took a "shooting stance" towards the patrol vehicle. Medina extended both of his arms out in front of him, as if holding a firearm with both hands, and aimed it towards the patrol vehicle. [redacted] believed he saw "a black, shiny object" resembling a firearm aimed directly at him and [redacted] The totality of the circumstances also led [redacted] to believe that Medina was armed with a handgun, and was about to shoot him and [redacted] Medina matched the description of the suspect in the 9-1-1 call. Further, the 9-1-1 call stated that the suspect was committing a violent felony, armed with a firearm, and thereby showing a disregard for the safety of others, as well as that of law enforcement. [redacted] stated, "Believing he was shooting at us, I shot one round through the front driver's side windshield of my patrol car."[6]



Interior Front Driver's Side Windshield of Patrol Vehicle

[redacted] opened the driver's side door by forcefully pushing it out with his left leg, as he continued to drive in a northwest direction towards Medina. Because Medina still had his arms extended, as if

[6] [redacted] was armed with a Heckler and Koch (H&K USP) .45 caliber pistol.

still aiming at them, [redacted] leaned toward the outside of the A-pillar of the patrol vehicle, and fired approximately ten to twelve additional rounds at Medina.[7] Medina attempted to flee, but fell to the ground. [redacted] stated, "Ultimately, after I ended shooting at him, he fell to the ground, and that's when I realized that my threat had been stopped." [redacted] reloaded his service weapon, dropping the empty magazine on the ground. However, [redacted] did not fire after the reload.



[redacted] Empty Magazine on the Ground

Statement of Deputy [redacted]

[redacted] was on duty with his partner, [redacted] when a call of a "robbery now" was broadcast over the radio. [redacted] was in the passenger seat of the patrol vehicle, as they traveled west on Florence Boulevard and turned north on Holmes Avenue, in search of the suspect described as wearing a black hooded sweatshirt, shorts, with a black handgun. As [redacted] was looking toward Gage Avenue, he saw Medina, matching the description of the robbery suspect, standing on the southwest corner of 64th Street and Holmes Avenue. Medina turned to his right, as though he was about to run away from them. However, Medina quickly turned to his left, facing them and their police vehicle. Medina then took a "shooting stance," and "it appeared as if he was holding a small black handgun." [redacted] believed Medina was going to shoot in his direction, and possibly kill him or [redacted] Medina matched the description of the robbery suspect, and there was a black handgun mentioned in the call. [redacted] stated, "He had a small black object, and it appeared like a small handgun. I'm thinking he's going to shoot me right now, and I need to shoot him before he shoots me." [redacted] stated, "Immediately after that, I reacted by drawing my weapon, and I fired approximately ten rounds."[8] [redacted] added, "I fired my weapon as fast as I could to stop the threat, and fired until I felt that the threat was stopped. I'm not sure on how many exact rounds were fired."

After the shooting, [redacted] used his hand-held radio, and requested assisting units and paramedics. Once sufficient units were at the location, an arrest team was formed to handcuff Medina and check him for weapons. No weapon was recovered from the scene.

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[7] A subsequent inspection of [redacted] service weapon revealed that [redacted] fired a total of thirteen rounds.

[8] [redacted] was armed with a Sig Sauer model P226, 9mm handgun. A subsequent examination of [redacted] service weapon revealed [redacted] fired a total of eleven rounds during the shooting.

Statement of [redacted]

[redacted] is [redacted] [redacted] stated that Medina was a known methamphetamine user, which caused him to have mental problems. Medina had been suffering with severe depression for several weeks leading up to the incident. The family had attempted to get psychiatric help for Medina several times, but Medina had refused to get treatment for his psychiatric problems.

Physical Evidence

At the scene, Medina was face down with his hands cuffed behind his back. He was clothed with black shoes, dark blue shorts, black shirt, and a black hooded sweatshirt. A search of Medina's shorts' pockets revealed three wooden matchsticks, a red ribbon, and a paper receipt. A "Golden Deer" brand cigarette pack was located approximately eight inches north of Medina's waist.

Three projectile fragments were located under Medina when he was turned to the supine position. Multiple casings and projectile fragments were recovered from the streets to the east, west, and to the northwest. The marked black and white LASD patrol vehicle driven by [redacted] and [redacted] during the shooting was parked at the scene.

The shooting occurred on a sidewalk, directly in front of Holmes Liquor store, located at 6401 South Holmes Avenue. The store is a one-story commercial building on the southwest corner of 64th Street and Holmes Avenue. A parking lot is on the east side of the building.

There is a video surveillance camera located on the roof, on the southeast corner of the liquor store, that is pointing in a north-easterly direction. This camera captures images of the parking lot, including a small cement island located in the northeast corner of the parking lot that has a payphone. This is where the shooting occurred. The entire incident was captured on the liquor store's surveillance video.



Surveillance Camera, Deputies' Patrol Vehicle, and Phone Booth

The liquor store's surveillance video which captured this incident was obtained by investigators. The video recording is approximately forty-five minutes long. The first seventeen minutes of the recording captures the shooting.[9] At approximately 4:18 a.m., Medina appears on screen. Medina is wearing a black hooded sweatshirt and dark colored shorts. Medina is seen walking southbound on the west side of Holmes Avenue crossing 64th Street. Medina arrives at the payphone, located in the northeast corner of the liquor store's parking lot, and begins to dial. Medina stands at the payphone, apparently using it, for approximately six minutes.[10] At approximately 4:24 a.m., [redacted] and [redacted] marked LASD patrol unit arrives, traveling north on Holmes Avenue in the southbound lanes. Medina quickly turns to his left, and extends his arms and hands out, as if he is holding a gun with both hands. Medina assumes a shooting stance and appears to be aiming directly at the approaching patrol vehicle. Medina's hands are clearly visible in the video, as he simulates holding a handgun with both hands and aims it at the deputies.

Immediately thereafter, it appears [redacted] fires a round through the front windshield of the patrol vehicle, and Medina falls to the ground on his back. At this point, Medina had taken a step towards his left, in order to face the deputies, which had caused him to move slightly away from the phone booth. Upon landing on his back, Medina landed immediately next to the utility pole which was next to the phone booth. Medina's arms and hands are not visible once he falls to the ground, as his body is mostly obscured due to the camera's angle, the pay phone stall, and a large advertisement sign/utility pole that is next to the phone booth. The video footage does not show Medina getting up again, once he falls to the ground. However, almost immediately after falling to the ground, Medina appears to lift his head and upper torso up slightly, as if attempting to get up.

The patrol vehicle comes to a stop approximately 22 feet from Medina's location. [redacted] immediately exits from the passenger side of the vehicle, and begins firing at Medina multiple times in rapid succession. [redacted] continues firing at Medina, from his position outside the passenger's side door, for approximately seven seconds. At this point, [redacted] exits the patrol vehicle from the driver's side door, and also begins rapidly firing at Medina multiple times in rapid succession.[11] [redacted] appears to be firing as he is exiting the car, and as he continues approaching Medina on Medina's right. [redacted] ultimately positions himself behind Medina, while [redacted] remains on Holmes Avenue, facing Medina.

It is not clear from the video footage exactly when the deputies stop firing their weapons, but the deputies are seen walking towards Medina, approaching to get a better view of Medina, approximately thirty seconds after [redacted] fired the first round through the front windshield of the patrol vehicle.

Postmortem Examination

On March 18, 2016, Deputy Medical Examiner Keng-Chih Su performed a postmortem examination of Medina's remains.

The medical examiner attributed the cause of death to multiple gunshot wounds. Medina sustained a total of thirteen gunshot wounds. While most of the gunshot wounds to Medina's lower legs had a front-to-back direction of entry, four gunshot wounds had a back-to-front direction of entry. The

[9] The video footage is date and time stamped, but has no audio.
[10] As he is using the phone, Medina is facing the liquor store, and his back is to Holmes Avenue.
[11] It appears from the video footage that [redacted] begins firing at Medina, simultaneously, as [redacted] is still firing at Medina.

gunshot wounds, which had an entry of front-to-back, included six gunshot wounds to the right lower leg, one gunshot wound to the right foot, one gunshot wound to the left lower leg, and one gunshot wound to the left big toe.

In a telephonic interview with the District Attorney's Office, Dr. Ogbonna Chinwah stated that the gunshot wounds to Medina's lower legs, which had an entry of front-to-back, were consistent with Medina laying on the ground, or "dropping to the ground" when he was shot.[12]

The four gunshot wounds which had an entry of back-to-front included, a gunshot wound to Medina's right back flank area, a gunshot wound to Medina's right posterior thigh, a gunshot wound to Medina's right thigh, and a gunshot wound to Medina's left lower leg. The projectiles recovered from the gunshot wounds to Medina's back and right thigh were smaller in size than the other five projectiles recovered from the right leg area.[13]

Only the gunshot wound to the right flank area of Medina's back was deemed fatal. This gunshot wound was deemed fatal because it resulted in major associated injuries, which included a perforation to the right lung. There was no evidence of soot or stippling, indicative of close-range firing, on the skin surrounding the gunshot entrance wounds.

The toxicological examination was negative for alcohol or controlled substances.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense, or in the defense of others, if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. Penal Code §197; *People v. Randle* (2005) 35 Cal.4th 987, 994 (overruled on another ground in *People v. Chun* (2009) 45 Cal.4th 1172, 1201); *People v. Humphrey* (1996) 13 Cal.4th 1073, 1082; see also, CALCRIM No. 505.

In protecting himself or another, a person may use all the force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. CALCRIM No. 3470. If the person's beliefs were reasonable, the danger does not need to have actually existed. *Id.*

A reasonable belief that danger exists may be formed by reliance on appearances. *Davis v. Freels* (7th Cir. 1978) 583 F.2d 337, 341. Actual danger is not necessary to justify the use of deadly force in self-defense. If one is confronted by the appearance of danger which one believes, and a reasonable person in the same position would believe would result in death or great bodily injury, one may act upon those circumstances. The right of self-defense is the same whether the danger is real or merely apparent. *People v. Jackson* (1965) 233 Cal.App.2d 639.

No right is guaranteed by federal law that one will be free from circumstances where he will be endangered by the misinterpretation of his acts. *Sherrod v. Berry* (7th Cir. 1988) 856 F.2d 802, 805 (quoting *Young v. City of Killen, Tx.* (5th Cir. 1985) 775 F.2d 1349 at 1353).

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[12] Dr. Chinwah rendered his opinion after reviewing the autopsy report authored by Dr. Su, and acting as a representative of the coroner's office, due to the fact that Dr. Su is no longer employed by the coroner's office.
[13] These two smaller projectiles are consistent with having been fired by [redacted] as his service weapon, a 9 mm Sig Sauer P226, is a smaller caliber size weapon than [redacted] weapon, which is a .45 caliber.

Homicide is justifiable and not unlawful when committed by any person in the defense of himself or that of another, if he actually and reasonably believed that the individual killed intended to commit a forcible and atrocious crime, and that there was imminent danger of that crime being accomplished. CALCRIM No. 505. Examples of forcible and atrocious crimes are murder, mayhem, rape, and robbery. In such crimes, from their atrocity and violence, human life (or personal safety from great harm) either is, or is presumed to be, in peril. *People v. Ceballos* (1974) 12 Cal.3d 470, 478.

In determining the reasonableness of an officer's actions, allowances must be made for the fact that police officers are often forced to make split-second judgments, in circumstances that are tense, uncertain and rapidly evolving, about the amount of force that is necessary in a particular situation. *Graham v. Connor* (1989) 490 U.S. 386, 396-398.

If police officers are justified in firing at a suspect in order to end a severe threat to public safety, the officers need not stop shooting until the threat is ended. *Plumhoff v. Rickard* (2014) 134 S.Ct. 2012, 2022.

CONCLUSION

The evidence examined in this investigation shows that Medina had a documented history of psychiatric issues, and had previously contemplated suicide.

Medina walked to a public phone booth, and placed a call to 9-1-1 to report an armed robbery in progress. Medina reported that the robber was armed with a black handgun, and described himself as the armed robber. Medina was very specific that he could clearly see a gun in the robber's hand, and that the gun was black. Medina reported the robber was wearing a black hooded sweatshirt and shorts, Medina's clothing at the time. Medina also provided the location of the robbery as "Gage and Holmes," very near his actual location of 64th Street and Holmes Avenue. Medina placed the 9-1-1 call at 4:25 a.m., a time where there was very little pedestrian foot traffic, ensuring the responding deputies would easily find him and identify him as the suspect.

When [redacted] and [redacted] responded to Medina's 9-1-1 call, Medina immediately assumed a two-handed shooting stance, and aimed his hands directly at the deputies in their approaching patrol vehicle. All of Medina's actions placed the deputies in reasonable fear for their lives. [redacted] and [redacted] in fear for their lives, discharged their weapons in self-defense, and in defense of each other. The evidence examined shows that [redacted] fear was so acute that he fired at Medina from within the patrol vehicle.

Deputies [redacted] and [redacted] use of deadly force was lawful and reasonable. Although Medina was not armed with a gun, the evidence examined shows the deputies' mistaken perceptions about seeing a gun were reasonable.

Further, although the video surveillance footage appears to show that Medina went down to the ground, on his back, almost immediately after the deputies began firing upon him, and some of the coroner's gunshot wounds findings indicate Medina was struck while on the ground, this evidence does not necessarily show that Medina was no longer a threat once he was on the ground. The video surveillance footage does not show Medina's hands once he is on the ground, and [redacted] stated that Medina's arms were "still extended" at them when he continued firing in Medina's direction. Given that the shooting unfolded very quickly, within seconds, and both deputies stated

that they fired their weapons, and continued firing without pause, until they felt the threat was stopped, it cannot be said, beyond a reasonable doubt, that any one of the gunshots they fired was unlawful.

As the Supreme Court noted in *Plumhoff,* once justified in firing at a suspect in order to end a severe threat to public safety, the officers need not stop shooting until the threat has ended. *Plumhoff,* at 2022.

Based on the foregoing, we conclude that Deputy [redacted] and Deputy [redacted] acted reasonably and lawfully in self-defense, and in defense of each other, when they used deadly force against Christian Medina. We are therefore closing our file and will take no further action in this matter.